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Madison, VA 22727

October 16, 2017

VIA CERTIFIED MAIL

OFFICE OF GENERAL

Federal Election Commission
Office of the General Counsel
999 E. Street, NW
Washington, D.C. 20463

MUR # 7289

RE: Take Back the Tenth; Treasurer Abbey M. Ruby

To Whom It May Concern:

Please accept this letter as a Complaint submitted pursuant to 52 U.S.C. § 30109(a)(1) and 11 C.F.R. § 111.4 against Take Back the Tenth (No. C00635003) and Abbey M. Ruby, in her official capacity as Treasurer, for violations of the Federal Election Campaign Act of 1971, as amended, and Federal Election Commission Regulations promulgated thereunder.

In violation of 52 U.S.C. § 30120 and 11 C.F.R. § 110.11, Take Back the Tenth has unlawfully placed advertisements on a mobile billboard truck (an "outdoor advertising facility") without the disclaimers required by law.

I. FACTS

Take Back the Tenth is an independent expenditure-only committee registered with the Federal Election Commission ("FEC" or "Commission") and, as such, is not authorized by any candidate. Take Back the Tenth, Statement of Organization (Mar. 15, 2017). Abbey M. Ruby is the Treasurer of Take Back the Tenth. *Id.* On Friday, September 29, 2017, Take Back the Tenth employed a mobile billboard truck to display several advertisements targeting U.S. Representative Barbara Comstock in Washington, D.C. The mobile billboard truck displayed three advertisements simultaneously. However, none of the advertisements contained a disclaimer or any other information disclosing the person or group who paid for the advertisements.¹ See **Exhibits A, B, and C.**

¹ One advertisement contained text reading "DUMP COMSTOCK." **Exhibit B.** Conducting an online search for "DUMP COMSTOCK" leads one to DumpComstock.com, which appears to be the website for Take Back the Tenth. The site has branding and a disclaimer to that effect. See **Exhibit D.**

II. RELEVANT LAW

A political committee must place disclaimers on all of its public communications, which include "outdoor advertising facilit[ies]," such as mobile billboards. 52 U.S.C. § 30101(22), 30120(a)(3); 11 C.F.R. § 100.26, 110.11(a). Federal law and FEC regulations require that communications not authorized by a candidate, a candidate's authorized committee, or an agent of either incorporate in a "clear and conspicuous manner" disclaimers that serve to give the viewer "adequate notice of the identity of the . . . political committee that paid for . . . the communication." 11 C.F.R. § 110.11(a)(3), (c). *See also* 52 U.S.C. § 30120(a)(3). Such disclaimers must contain the full name of the committee and certain, permanent contact information. 52 U.S.C. § 30120(a)(3); 11 C.F.R. § 110.11(a)(3). Finally, a disclaimer is invalid if it is "difficult to read . . . or the placement is easily overlooked." 11 C.F.R. § 110.11(c). These requirements implement a valuable public policy goal and protect our democracy by ensuring that voters know "where political campaign money comes from and how it is spent[.]" *Buckely v. Valeo*, 424 U.S. 1, 66 (1976) (internal quotations omitted).

III. ANALYSIS

Here, Take Back the Tenth operated in blatant disregard for the law and failed to include any disclaimer on its mobile billboards or to make any attempt to inform viewers that it paid for the public communications at issue. Under the law, voters have the right to know who is paying for political advertising, yet Take Back the Tenth failed to meet these simple disclaimer requirements. In fact, Take Back the Tenth appears to have attempted purposefully to obfuscate its identity: not even the *most* basic information—the name of the sponsoring political committee—appears on any of these political advertisements. As such, Take Back the Tenth is in clear violation of the disclaimer requirements at 52 U.S.C. § 30120(a)(3) and 11 C.F.R. 110.11, and its mobile billboards are unlawful.

IV. CONCLUSION

Upon information and belief and based upon the facts set forth in this Complaint, Take Back the Tenth and Abbey M. Ruby, in her official capacity as Treasurer, have violated the Federal Election Campaign Act of 1971, as amended, and the FEC regulations promulgated thereunder. As such, I respectfully urge the Commission to conduct immediately an investigation into the violations described in this Complaint and to take the appropriate steps to impose the maximum penalty provided under law.

This Complaint is accurate and correct to the best of my information, information, and belief.

Sincerely,

Anthony J. DeFazio

Anthony J. DeFazio

Anthony J. DeFazio

Sworn to and subscribed before me this 16th day of October, 2017.

Brittany Renea Foster
Notary Public

My commission will expire on: 07/31/2021



State of Virginia County of Madison
Subscribed and sworn before me on 10/16/17
(Date)
Brittany Renea Foster
(Notary Signature)

180047440001

Exhibit A

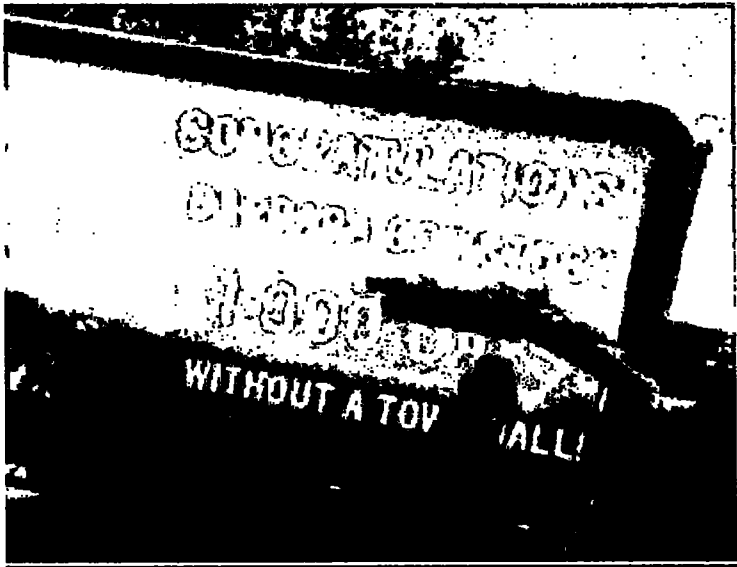


Exhibit B



Exhibit C

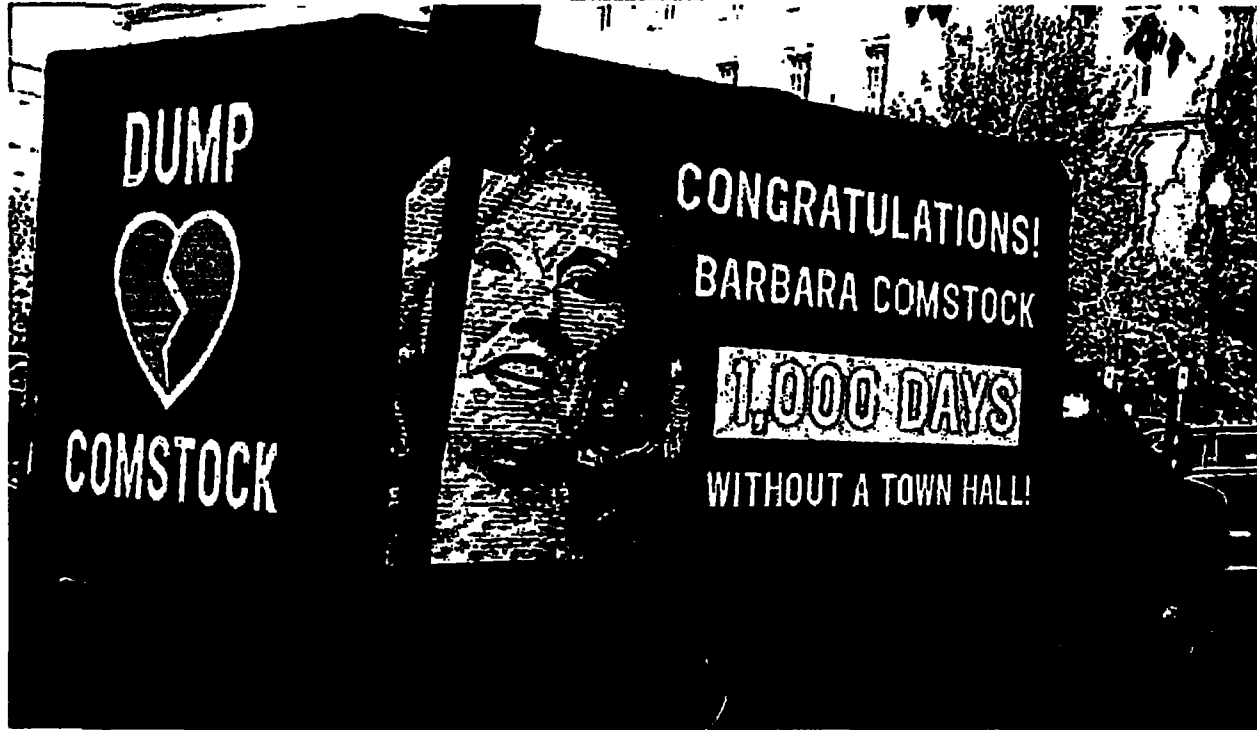


Exhibit D



Dump Comstock

IT'S NOT US. IT'S HER.

[What is Dump Comstock?](#) [News](#) [Volunteer](#) [Resources](#) [Events](#) [Exhibit](#) [FAQ](#)

Frequently Asked Questions (FAQ)

What is the purpose of Dump Comstock?

We are a group dedicated to the sole purpose of defeating Barbara Comstock on November 5, 2018 and replacing her with someone who reflects the values of the VA-10.

What are we working on?

1. Focusing attention on how Barbara Comstock is "representing" her district
2. Supporting the numerous groups within Virginia's 10th Congressional district (VA-10)
3. Engaging in political activities to help elect Comstock's eventual replacement

What are we not working on?

The following is a list of activities that we're not focused on. We want to be clear that we feel all of these activities are super important. We feel, however, that they are already being done well by other groups. Feel free to join one of those groups.

Are you part of the Indivisible Organization?

No. There are plenty of chapters in your local area if you're interested - feel free to join one if you live in the VA-10. We are focused exclusively on replacing Comstock in the VA-10 seat but obviously there is a lot of overlap with us and the Indivisible people. We welcome anyone who wants to join our group and many of our members belong to both. See the Indivisible Guide to learn more.

Get Involved

- [Volunteer](#)
- [Donate](#)
- [Mailing List](#)
- [Events](#)

Social Media

- [Facebook](#)
- [Twitter](#)
- [Instagram](#)
- [YouTube](#)
- [Slack](#)
- [SoundCloud](#)

Site updated for a Town Hall
1004 : 21 : 43 : 45

Part of the Take Back the Tenth Dump Comstock group has authorized by any candidate or committee

Take Back the Tenth, *Frequently Asked Questions*, DUMP COMSTOCK,
<http://dumpcomstock.com/faq> (last visited Oct. 3, 2017)